

December 20, 1963

Price-Wellington Control Board  
c/o Carlyle Pace, Secretary  
Price, Utah

Dear Sir:

RE: Diligence Claims No. 438 to 442

In reply to your letter December 9, 1963, with regards to Diligence Claims No. 438 to 442 inclusive, you should be advised that the claims where filed in this office on July 25, 1956. Diligence Claims are neither approved by this office nor is a certificate issued regarding them. They are merely filed in this office for public record.

With regard to your question as to what further information would be necessary to determine priority for delivery of water and for this office to instruct the Price River Water Commissioner to delivery thereunder, there appear to be two approaches that can be taken:

1. Automatically the water claims will be considered in connection with the adjudication of water rights within the Price River Drainage System. A final~~4~~ determination on this will of course take several years.

2. You could request the court for a ruling regarding the matter and an amendment to the Morse Decree to include these claimed rights.

Until you have firmed up your right by one or the other of these procedures, we are not in a position to instruct the water commissioner to deliver water thereunder since the claimed rights were not included in the Morse Decree.

I hope this is the information you desire.

Yours truly,

R. Keith Higginson  
Chief, Water Rights Branch

RKH/bps

cc: *Dane Bowley*